



Entered on Docket
September 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR

CHAPTER 11

**Order Sustaining First Omnibus Objection
Of USACM Trust To Proofs Of Claim
Based Entirely Upon Investment In
Fiesta/USA Stoneridge Loan**

Hearing Date: August 30, 2011

Hearing Time: 10:30 a.m.

The Court having considered the "First Omnibus Objection Of USACM Trust To Proofs Of Claim Based Entirely Upon Investment in Fiesta/USA Stoneridge Loan," ("Fiesta/USA Stoneridge Loan") [DE 8683] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no

1 response to the Objection having been filed; the Court noting on the record that the
2 disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to
3 repayment by the borrower or from the collateral securing the Fiesta/USA Stoneridge
4 Loan; and good cause appearing:

5 **IT IS ORDERED** that:

- 6 1. The Objection [DE 8683] is sustained; and
7 2. The claims listed on **Exhibit A** attached are disallowed in full because those
8 claims are based entirely upon an investment in the Fiesta/USA Stoneridge Loan.
9

10 PREPARED AND RESPECTFULLY SUBMITTED BY:

11 **LEWIS AND ROCA LLP**
12

13 By /s/ John Hinderaker (AZ #018024)

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**USACM Trust
Fiesta Stoneridge
Single Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the Fiesta USA/Stoneridge Loan
10725-00933	11/2/2006	Bennett, Alan	14225 S Whisperwood Dr Reno, NV 89521	60,000.00	60,000.00
10725-01138	11/9/2006	Berthelot Living Trust Dtd 4/9/03	**Undeliverable Address** Jean Jacques Berthelot Ttee 9328 Sienna Vista Dr Las Vegas, NV 89117-7034	26,500.00	26,500.00
10725-01186	11/10/2006	Ggrm Pension Profit Sharing Plan	C/O Gabriel A Martinez Trustee 601 S 9Th St Las Vegas, NV 89101-7012	142,000.00	142,000.00
10725-01836	1/2/2007	Graf, Paul D & Margaret A	2530 Great Hwy San Francisco, CA 94116-2613	62,875.03	62,875.03
10725-01031	11/6/2006	Howarth, Marjorie	30116 Corte San Luis Temecula, CA 92591	25,000.00	25,000.00
10725-01286	11/10/2006	Huish, Jamie	2013 Madagascar LN Las Vegas, NV 89117	95,788.99	95,788.99
10725-01180	11/10/2006	Martinez Family Trust Dtd 2/24/97	**Undeliverable Address** C/O Marcella & Ross Martinez Ttees 2283 Vegas Valley Dr Las Vegas, NV 89109-1875	50,500.00	50,500.00
10725-01181	11/10/2006	Martinez, Leonard & Tara	6297 Elvido Ave Las Vegas, NV 89122-7562	32,500.00	32,500.00
10725-00712	11/7/2006	Rains Properties LP	Donna M Osborn Esq Marquis & Aurbach 10001 Park Run Dr Las Vegas, NV 89145	200,000.00	200,000.00
10725-01753	12/26/2006	Rocklin/Redding LLC	Stephen R Harris Esq Belding Harris & Petroni Ltd 417 W Plumb LN Reno, NV 89509	110,000.00	110,000.00

EXHIBIT A

LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

_____ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

_____ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: _____

_____ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: <u>Augie Landis</u>	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)
Attorneys for USACM Liquidating Trust

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